

REMARKS

I. Introduction

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 13, 24, 30, and 24 are currently being amended. Support for the claim amendment can be found, at least, in the specification of the present application, e.g., page 1, paragraph 2, page 4, paragraph 3, page 6, paragraph 2, the figures, and the claims as filed (e.g., claim 2). No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6, 8-18, 20-30, and 32-51 are now pending in this application.

II. The Prior Art Rejections Should Be Withdrawn

A. Rejections under 35 U.S.C. 102

The Office Action rejected claims 1-6, 8-18, 20-29, 34, 49 and 51 under 35 U.S.C. 102(b) as being anticipated by Jorgensen et al. (US 2002/0107131) (hereinafter Jorgensen). Applicant respectfully traverses. To anticipate a claim, a reference must teach each and every limitation of the claim. Applicant respectfully submits that Jorgenson fails to teach each and every limitation of Applicant's claims.

Independent claim 1, as amended, recites a substantially flexible bag for use in centrifugal processing comprising:

a substantially flexible and substantially circular enclosure including a first side and a second side radially connected to the first side along an outer edge, the first and second sides defining an interior surface therebetween, the first and second sides each having a respective central opening for housing a central hub; and a first mating portion positioned adjacent to the central opening, along the interior surface of the first side extending in a direction perpendicular to the interior surface, and, in cross-section, including at least one of a raised or recessed shape with respect to the interior surface, the first mating portion integrally formed for mating in a cooperative arrangement with a corresponding mating portion of the central hub, and the raised or recessed shape of the first mating portion opposing an interior surface of the second side; wherein the first mating portion and the and the first side are integrally molded. (emphasis added.)

Independent claims 13, 24, 30, and 34 are similarly amended.

Applicant can find no teaching or suggestion of a substantially flexible enclosure (e.g. a flexible bag) with an integrally molded mating portion, as claimed, in the device of Jorgenson. The Office Action appears to identify the weld rings of the bag assembly of Jorgenson with Applicant's claims mating portion. However, Jorgenson does not teach or suggest that the weld rings are integrally molded in a side of a substantially flexible enclosure. To the contrary Jorgenson (paragraph 47) teaches that the weld rings be joined to, and thus not integrally molded with, a processing bag.

Moreover, assuming, *arguendo*, that the expresser/processing bag and weld rings of Jorgenson could be considered to be an integrally molded unit, there is no teaching or suggestion that this unit would be substantially flexible, as required by Applicant's claims. To the contrary, Jorgenson (paragraph 43) teaches that the weld rings are preferable made of a rigid material.

In view of the above, Applicant respectfully submits that there is no proper basis for the rejection of independent claims 1, 13, 24, 30 and 34 as anticipated by Jorgenson. The remaining pending claims each depend, directly or indirectly, from one of the aforementioned independent claims, and thus distinguishes Jorgenson for at least the same reasons.

B. Rejections Under 5 U.S.C. 103

The Office Action rejected claims 35-38 under 35 U.S.C. 103(a) as being unpatentable over Jorgensen. The Office Action rejected claims 30, 32, and 33 under 35 U.S.C. 103(a) as being unpatentable over Jorgensen in view of Schultz (US 3,982,691). The Office Action rejected claim 50 under 35 U.S.C. 103(a) as being unpatentable over Jorgensen. Applicant Respectfully traverses.

Initially, Applicant does not concede that the modifications of Jorgenson set forth in the Office Action would have been obvious to one skilled in the art at the time of the invention. However, even assuming, *arguendo*, that the proposed modifications have proper basis, they would still fail to teach or suggest each and every element of the rejected claims.

As detailed above, Jorgenson fails to teach or suggest each and every limitation of the rejected claims (each of which depend, directly or indirectly from one of the independent claims addressed above). The proposed modifications of Jorgenson set forth at page 4, item 4 (relating to a welding step) and page 5, item 6 (relating to semi-circular shaped raised or recessed device portions) of the Office Action do not cure this deficiency.

Similarly, the proposed modifications of Jorgenson in view of Schultz do not cure the deficiencies of Jorgenson. To the contrary, Schultz describes "a centrifuge device for separating and/or washing finely-divided solid particulate material suspended in a liquid." (Schultz, Abstract). Schultz does not describe a substantially flexible container with an integrally molded mating portion as claimed. In contrast, Schultz describes four assembly plates with pathways that are combined to provide for the separating and/or washing of the liquid. (Schultz, col. 7, lines 15-37, see also Figure 1). Furthermore, Schultz describes that the various plates are attached by bolts and that a "[r]otating seal 8 (See FIG. 2) is disposed in and engaged in a liquidtight manner by the respective apertures 15, 16 and 17 in plates 1, 6, and 12." (Schultz, col. 7, lines 38-42). As such, Schultz does not describe utilizing a flexible container (e.g. bag)

for centrifuge device, but instead, as illustrated in Figure 1, describes a centrifuge device with multiple plates with a rotating seal with various pathways for the fluid.

As explained in the attached 1.132 declaration from an inventor of the present application, Keith Rosiello, Jorgensen does not teach, suggest, or describe “at least one or a raised or recessed shape with respect to the interior shape” or “the first mating portion opposing an interior surface of the second side,” as recited in claim 1, as now amended. Independent claims 13, 24, 30, and 34 are similarly amended. In contrast, Jorgensen describes centrifuge processing bags that include “an outer expressor bag 96, an inner processing bag 98, outer weld rings 100, inner weld rings 102 and hub 104.” (Jorgensen, paragraph 0050, see also Figures 7, 11, and 12). As illustrated in Figures 11 and 12 of Jorgensen, the assembled processing bag utilizes the weld rings 100 and 102 to secure the bags 96 and 98 to the hub 104. Jorgensen describes locking the bags onto the hub utilizing the weld rings. (Jorgensen, paragraphs 0044, 0011, and 0013). Further, it should be understood, as described in the attached declaration, that the weld rings are separate from the bags and do not include any type of mating portion or raised or recessed shape. Accordingly, Jorgensen does not describe, suggest, or teach all of the claim limitations of independent claims 1, 13, 24, 30, and 34.

Accordingly, Applicant respectfully submits there is no proper basis for the rejections under 35 U.S.C. 103. M.P.E.P. §2141.

III. Rule 1.132 Declaration

Applicant notes that the previously filed Rule 1.132 declaration from an inventor of the present application, Keith Rosiello, provides additional information and arguments supporting the patentability of the pending claims.

IV. Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/8/2010

By Matthew L. Fenselau

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (617) 342-4034
Facsimile: (617) 342-4001

Matthew L. Fenselau
Attorney for Applicant
Registration No. 64,765